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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,185	09/09/2003	Daisuke Takahashi	Q77102	1632
23373	7590	06/10/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, JOHN QUOC	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/657,185

Applicant(s)

TAKAHASHI, DAISUKE

Examiner

John Q. Nguyen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Applicant's election without traverse of the species of Fig. 2A, claims 1-3, in the reply filed on 12/22/04 has been acknowledged. Claim 4 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/22/04.

The drawings were received on 4/29/05. These drawings are approved.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Mizutani et al (US 4881696).

Applicant's admitted prior art shown in Figs. 5-6 shows a tape cartridge having substantially all the claimed features but does not disclose a tension absorbing unit. Mizutani et al discloses another tape cartridge in which "tension absorbing unit" 31 is provided in a position between an opening (covered by lid 10) and each reel to apply a tensioning force to the tape to prevent loosening. It would have been obvious to a person having ordinary skill in the art to provide the admitted prior art apparatus with a tension absorbing unit before each reel as taught by Mizutani et al to apply a tensioning force to the tape to prevent loosening. Relative to claim 5, it would have been obvious to a person having ordinary skill in the art to provide the tension unit in the vicinity of an inside portion of the holding portion since the tension unit has to contact tape unwinding

Art Unit: 3654

from the reel and the only available space is the space between the reel and the holding portion, which space is in the vicinity of an inside portion of the holding portion.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Mizutani et al as applied to claim 1 above, and further in view of Badeau, Sr (US 3064913).

Badeau, Sr. discloses a tensioning arm 29 positioned before a roll 13 to tension the web and take up slack. Note the u-shape formed by pivot shaft 28, arm 29, and roller 30. Note spring 32. It would have been obvious to a person having ordinary skill in the art to alternatively provide the tensioning arm modified as above as one taught by Badeau, Sr. to apply tension, prevent loosening, and take up slack.

Applicant's arguments filed 4/29/05 have been fully considered but they are not persuasive.

The tape guides 8 of the admitted prior art of figs. 5 and 6 should be noted. Mizutani et al teach positioning the tension unit between the reel and a tape guide in a two-reel cassette. The admitted prior art is a single reel cartridge but when assembled as shown in fig. 6, the tape travels from one reel to the other as is conventional as in Mizutani et al, the tension unit would then be positioned between the reel 40 and a tape guide 8, as taught by Mizutani et al.

In response to applicant's argument that Badeau is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if

Art Unit: 3654

not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention.

See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Badeau teaches a tensioning unit for a web W moving between a supply roll 10 and a take-up roll 13 and therefore is deemed reasonably pertinent to the particular problem with which the applicant was concerned.

The spring in Badeau has one end for biasing the tension unit and the other end fixed to a base 26 on which the tension unit is movably mounted, this base is analogous to the cartridge case on which the tension unit is movably mounted. Applicant should note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

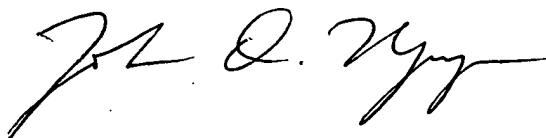
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'John Q. Nguyen', with a stylized, flowing script.

John Q. Nguyen  
Primary Examiner  
Art Unit 3654